

Statement for the Record
Representative Harold Rogers
House Committee on Resources
Subcommittee on National Parks, Recreation and Public Lands
November 13, 2001

Good afternoon, Chairman Radanovich, and other members of the Subcommittee. I am pleased to have the opportunity today to discuss H.R. 2238, the Fern Lake Conservation and Recreation Act of 2001, introduced jointly by Senator McConnell and myself earlier this year. I appreciate your willingness to reschedule this hearing in a timely manner. We all know how difficult it has been for your subcommittee to even function since the anthrax scare, so I'm grateful to be on the docket so soon after the reopening of your offices.

I also want to introduce Ms. Karla Bowling from Middlesboro, Kentucky, who will also be testifying this afternoon in support of this important legislation. As the President of the local Chamber of Commerce, hardly anyone in Middlesboro knows more about the tremendous economic and recreational potential this legislation could bring to the community, and I thank her for traveling so far on such short notice to provide this valuable insight.

Mr. Chairman, the bill before you today is an essential piece of legislation, which will forever protect one of the most pristine areas in the Commonwealth of Kentucky for future generations. The bill aims to incorporate Fern Lake, an unspoiled body of water nestled in the Appalachian Mountains on the Kentucky-Tennessee border, into the Cumberland Gap National Historical Park.

As you can see from the pictures on display and in your folders, the lake and its surrounding watershed are of unparalleled beauty. Each photo captures the essence of what thousands of Park visitors already experience each year, as this spectacular landscape is visible from Pinnacle Overlook, the most popular attraction in the Park. Just from the photos alone, it is not hard to understand why this legislation is needed, and why Congress should act quickly to ensure its preservation.

Mr. Chairman, in true democratic form, this legislation finds its roots in a citizen petition, which was delivered to me by Mr. Ben Hickman, the mayor of Middlesboro. From there, we sat down with the National Park Service and brought them together with local officials to create this win-win opportunity for the park and the entire region. In short, this bill will protect the lake as a clean and safe source of rural water, enhance the scenic, recreational, and wildlife value of the Park, and increase tourism opportunities in the tri-state areas of Kentucky, Virginia, and Tennessee.

For those on the subcommittee who are unfamiliar with this part of the world, the Cumberland Gap National Historical Park is 20,000 acres of virtually untouched frontier countryside, established by Congress in 1940. It is, as some say, the "first frontier", where Daniel Boone blazed the Cumberland Gap trail in the late 18th century, leading the way for thousands of other settlers hoping to find a fresh start in this new world. Congress rightly recognized the importance of permanently protecting this frontier, and today, you are being asked to continue these endeavors by approving the Fern Lake addition. Because of the conditions set forth in the original legislation, no appropriated funds can be used to purchase additional acreage unless specifically authorized by Congress. H.R. 2238 provides this authorization, and paves the way for an additional 4,500 acres to be included in the Park, if willing sellers appear, and appropriations become available.

One of the principal goals of the legislation is to ensure the continued use of the lake as a clean, safe water supply for the city of Middlesboro. Constructed in 1893, the 150-acre lake has been privately owned for most of its existence. Last year, however, the lake went up for sale on the open market, and there is considerable concern that a new owner may not share the same interests as the community. As Ms. Bowling will testify, the lake is the sole water source for the city, and many businesses in the area rely on the uncommon purity of the water for their livelihood. It is therefore imperative that we keep this watershed free from the environmental hazards that over-development entail. Under the legislation, the City would be allowed to purchase Fern Lake water from the National Park Service and those proceeds could be used for costs associated with managing the lake or other needs in the Cumberland Gap park.

I understand that the Park Service may offer clarifying language regarding the disposition of the water supply, and I want to state for the record that I will continue to work with them to ensure they have the flexibility they need. I have no doubt that the Park Service will prove to be a valuable steward of this land, and I have complete confidence in their ability to craft an acceptable solution that will meet the community's water resource needs.

In fact, Mr. Chairman, the Park Service has already proven its willingness to work constructively and openly on areas of common concern, whether it be protecting the rights of landowners or protecting the landscape from unwanted mining or commercial development. They have continually worked with the community to ensure their water supply would remain untouched and environmentally intact.

More recently, their offices have worked closely with mine to ensure the language in the bill fully protects the private-property rights of those holding land within the proposed acquisition boundaries. This was especially important to me personally, as I have been troubled with the actions and attitudes of previous Administrations and remain skeptical and cautious when the government starts talking of new federal acquisition on private lands. In crafting this bill, we took great care to make sure an appropriate balance had been met between environmental protection and the needs of the community. This legislation builds

upon community consensus and protects the property rights of all affected landowners. Not one parcel of land will be acquired without the firm consent of the owner. Not one National Park Service management proposal will be implemented until community leaders from the tri-state area are consulted. These requirements are specified in bill language, with the Park Service's full support.

Lastly, Mr. Chairman, it can not be overstated how important this legislation is to the economic well being of the citizens of rural Appalachia Kentucky. This proposed federal investment in our rich cultural heritage would certainly bring added tourism revenue and jobs to this area, both of which are desperately needed in these trying times. Tourism is an essential part of our region's economic development, and we must seize every opportunity to further strengthen this sector. I am leaving no stone unturned in my continuing efforts to build the Appalachian economy and create quality jobs within the region. I hope I can have this subcommittee's support in continuing these endeavors.

That concludes my remarks, and I would ask that a statement from Senator McConnell in support of the bill also be inserted in the record at this time.

####